

2013 DRAFTING REQUEST

Bill

Received: 9/18/2012 Received By: mglass
Wanted: As time permits Same as LRB:
For: Jeffrey Mursau (608) 266-3780 By/Representing:
May Contact: Drafter: eshea
Subject: Nat. Res. - boats snomos ATVs Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Rep.Mursau@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

All-terrain vehicle access to highways

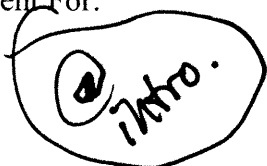
Instructions:

Same as 11 0665 plus attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 10/29/2012	scalvin 11/2/2012					
/P1	mglass 7/25/2013		jmurphy 11/2/2012		srose 11/2/2012		State S&L
/1		scalvin 7/26/2013	phenry 7/26/2013		srose 7/26/2013	mbarman 11/18/2013	State S&L

FE Sent For:



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/P1		/1 sac 07/26/2013	11/2/2012 1/26/12		srose 11/2/2012		State S&L

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1/?	mglass	1/01/12 /PI SAC		<u>gm+EEV</u>			

FE Sent For:

<END>

Gibson-Glass, Mary

From: Rep.Mursau
Sent: Thursday, August 23, 2012 2:22 PM
To: Gibson-Glass, Mary
Subject: Email from LRB Website

I understand drafting requests are currently being accepted and LRB will work on them will begin in September.
Please re-draft 2011 LRB 665/1 for the 2013 legislative session.

Please allow local ordinances for ATVs within said distance of ATV trails
Please allow local ordinances for UTVs within said distance of UTV trails.

Representative Jeff Mursau

Wisconsin State Assembly
36th Assembly District
Committee on Natural Resources, Chair
Committee on Forestry, Chair
Committee on Agriculture, Member
PO Box 8952
Madison, WI 53708-8953
(608) 266-3780
[Sign Up for E-Updates](#)



In 10/29/12
State of Wisconsin
2011-2012 LEGISLATURE
2013-2014



0101/PI

LRB-0665/1
MGG/kj/mc
Work off
of the
1, NOT
the 1/2

EEHS

RMNR

2013 Preliminary Draft
~~2011~~ BILL

PWF

D-NOTE

regenerate

1 AN ACT *to renumber and amend* 23.33 (5) (a); *to amend* 23.33 (4) (b), 23.33 (5)
2 (b) 1., 23.33 (5) (b) 2., 23.33 (5) (c), 23.33 (5) (d), 23.33 (11) (am) 1., 23.33 (11) (b),
3 23.33 (11p) (e) 2., 23.50 (1), 23.50 (3), 23.53 (1), 23.56 (1), 23.57 (1) (intro.), 23.58,
4 23.62 (1) (intro.) and 800.02 (2) (b); and *to create* 23.33 (1) (im), 23.33 (4) (g),
5 23.33 (5) (a) 2. and 23.33 (11g) of the statutes; **relating to:** the operation of
6 all-terrain vehicles ^{and utility terrain vehicles} on highways for the purpose of certain types of access and
7 granting rule-making authority.

INSERT A

Analysis by the Legislative Reference Bureau

Under current law, a person may not operate an all-terrain vehicle (ATV) on the roadway of a highway, street, or road except under certain limited circumstances. This bill specifically authorizes the operation of ATVs by operators who are at least 16 years old on a portion of a roadway and shoulder of a highway, street, or road if the highway, street, or road is within the jurisdiction of a county, town, city, or village (municipality) that has enacted an ordinance that allows the operation of ATVs for the purposes of residential access or access to and from a lodging establishment or a campground. A municipality may not enact an ordinance for access to and from a lodging establishment unless it has also enacted an ordinance for residential access.

For a state trunk highway (STH), the portion of the highway that may be open to this access must be the shortest distance between the residence or lodging

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establishment and the ATV route or trail. For distances on a STH that are more than one-quarter mile, the Department of Transportation (DOT) must approve the access. For distances on a STH that are one-quarter mile or less, a municipality may enact such an ordinance unless the portion of the STH to be affected has been closed to ATVs based on DOT's finding that it is unsafe to operate ATVs on that portion of the STH. For any highway other than a STH, the distance open for ATV access may not be more than five miles.

The bill prohibits a municipality from enacting an ordinance that allows the operation of ATVs for residential or lodging access on the roadway or shoulder of any freeway or interstate and on any highway that is located in a state park or state forest if ATV operation is prohibited in the park or forest. Under the bill, an access ordinance must impose a speed limit of 25 miles per hour and must require that the ATV be operated as far on the right as possible.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.33 (1) (ii) of the statutes is created to read:

23.33 (1) (ii) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 254.61 (1).
2. A hotel, as defined in s. 254.61 (3).
3. A tourist rooming house, as defined in s. 254.61 (6).
4. A campground.

SECTION 2. 23.33 (4) (b) of the statutes is amended to read:

23.33 (4) (b) *Other highways; operation restricted.* No person may operate an all-terrain vehicle ^{or utility terrain vehicle} on a highway except as authorized under pars. (d), (e), ~~and~~ (f), and (g) and sub. subs. (11) (am) 2. and (11g) or as authorized by rules promulgated by the department and approved by the department of transportation.

SECTION 3. 23.33 (4) (g) of the statutes is created to read:

23.33 (4) (g) *Operation for purpose of access.* A person may operate an all-terrain vehicle ^{or utility terrain vehicle} on a portion of the roadway or shoulder of a highway for the

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purpose of residential access or for the purpose of access to and from a lodging establishment if the operation is in compliance with an ordinance enacted under sub. (11g).

SECTION 4. 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. and amended to read:

23.33 (5) (a) 1. No person under 12 years of age may operate an all-terrain vehicle unless he or she is operating the all-terrain vehicle for an agricultural purpose and he or she is under the supervision of a person over 18 years of age or unless he or she is operating a small all-terrain vehicle on an all-terrain vehicle trail designated by the department and he or she is accompanied by his or her parent. No person who is under 12 years of age may operate an all-terrain vehicle ^{that} ~~which~~ is an implement of husbandry on a roadway under any circumstances. No person who is under 12 years of age may operate an all-terrain vehicle on a roadway under the authorization provided under sub. (4) (d) 6. under any circumstances. ~~No person who is under 16 years of age may operate an all-terrain vehicle under the authorization provided under sub. (4) (f) under any circumstances.~~ No person who is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this paragraph, supervision does not require that the person under 12 years of age be subject to continuous direction or control by the person over 18 years of age.

SECTION 5. 23.33 (5) (a) 2. of the statutes is created to read:

23.33 (5) (a) 2. No person who is under 16 years of age may operate an all-terrain vehicle on a roadway or a shoulder of a highway as authorized under sub. (4) (f) or (g) under any circumstances.

SECTION 6. 23.33 (5) (b) 1. of the statutes is amended to read:

BILL**SECTION 6**

1 23.33 (5) (b) 1. No person who is at least 12 years of age and who is born on or
2 after January 1, 1988, may operate an all-terrain vehicle unless he or she holds a
3 valid safety certificate issued by this state or another state or by a province of
4 Canada.

5 **SECTION 7.** 23.33 (5) (b) 2. of the statutes is amended to read:

6 23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle safety
7 certificate while operating an all-terrain vehicle shall carry the certificate on the
8 all-terrain vehicle and shall display the certificate to a law enforcement officer on
9 request. ~~Persons enrolled in a safety certification program approved by the~~
10 ~~department may operate an all-terrain vehicle in an area designated by the~~
11 ~~instructor.~~

12 **SECTION 8.** 23.33 (5) (c) of the statutes is amended to read:

13 23.33 (5) (c) *Exceptions.* Paragraphs (a) and (b) do not apply to a person who
14 operates an all-terrain vehicle exclusively on land under the management and
15 control of the person's immediate family. ~~Paragraphs (a) and (b) do not apply to a~~
16 ~~person at least 12 years of age but under 16 years of age who holds a valid certificate~~
17 ~~issued by another state or a province of Canada.~~

18 **SECTION 9.** 23.33 (5) (d) of the statutes is amended to read:

19 23.33 (5) (d) *Safety certification program ~~established~~.* The department shall
20 establish or supervise the establishment of a program of instruction on all-terrain
21 vehicle laws, including the intoxicated operation of an all-terrain vehicle law,
22 regulations, safety and related subjects. The department shall establish by rule an
23 instruction fee for this program. The department shall issue certificates to persons
24 successfully completing the program. An instructor conducting the program of
25 instruction under this paragraph shall collect the fee from each person who receives

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1 instruction. The department may determine the portion of this fee, which may not
 2 exceed 50%, that the instructor may retain to defray expenses incurred by the
 3 instructor in conducting the program. The instructor shall remit the remainder of
 4 the fee or, if nothing is retained, the entire fee to the department. The department
 5 shall issue a duplicate certificate of accomplishment to a person who is entitled to a
 6 duplicate certificate of accomplishment and who pays a fee of \$2.75. Persons enrolled
 7 in a safety certification program approved by the department may operate an
 8 all-terrain vehicle in an area designated by the instructor.

9 **SECTION 10.** 23.33 (11) (am) 1. of the statutes is amended to read:

10 23.33 (11) (am) 1. Any county, town, city or village may enact an ordinance
 11 ~~which~~ ^{that} is in strict conformity with this section and rules promulgated by the
 12 department under this section, if the ordinance encompasses all aspects
 13 encompassed by this section, except as provided in subd. 2^g and sub. (11g).

14 **SECTION 11.** 23.33 (11) (b) of the statutes is amended to read:

15 23.33 (11) (b) If a county, town, city, or village adopts an ordinance regulating
 16 ^{no score} ~~all-terrain vehicles~~ ^{or set of utility terrain vehicles or both}, its clerk shall immediately send a copy of the ordinance to the
 17 department, to the state traffic patrol, and to the office of any law enforcement
 18 agency of the ~~municipality or county, town, city, or village~~ having jurisdiction over
 19 any ~~highway designated as an all-terrain vehicle route~~ of the highways to which the
 20 ordinance is applicable.

21 **SECTION 12.** 23.33 (11g) of the statutes is created to read:

22 23.33 (11g) ORDINANCES FOR ACCESS TO RESIDENCES AND LODGING. (a) *Definition.*

23 *In this subsection, "municipality" means a county, town, city, or village.*

24 (b) *On state trunk highways.* 1. Subject to subds. 3. and 4. and pars. (cm) and
 25 (cr), a municipality may enact an ordinance allowing the operation of all-terrain

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vehicles on a roadway and shoulder of a state trunk highway for any portion of the highway that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a residence and the all-terrain vehicle route or all-terrain vehicle trail that is closest to that residence.

2. Subject to subds. 3. and 4. and pars. (cm) and (cr), a municipality may enact an ordinance allowing the operation of all-terrain vehicles on a roadway and shoulder of a state trunk highway for any portion of the highway that is within the jurisdiction of the municipality for the purpose of traveling the shortest distance that is necessary to go between a lodging establishment and the all-terrain vehicle route or all-terrain vehicle trail that is closest to that lodging establishment if the municipality also enacts or has in effect an ordinance enacted under subd. 1.

3. A county or town may not enact an ordinance under subd. 1. or 2. that will allow the operation of all-terrain vehicles^{or utility terrain vehicles} on a roadway and shoulder of a portion of a state trunk highway that is more than one-quarter mile in length unless the county or town has first received specific authorization from the department of transportation to allow the operation of all-terrain vehicles^{or utility terrain vehicles} on the roadway and shoulder of that portion of the state trunk highway.

4. A county or town may enact an ordinance under subd. 1. or 2. that will allow the operation of all-terrain vehicles^{or utility terrain vehicles} on a roadway and shoulder of a portion of a state trunk highway that is one-quarter mile in length or less if the operation of all-terrain vehicles^{or utility terrain vehicles} on the roadway and shoulder has not been prohibited by rule by the department of transportation based on a finding by the department of transportation that such operation is unsafe.

(c) *On other highways.* 1. Subject to pars. (cm) and (cr), a municipality may enact an ordinance allowing the operation of all-terrain vehicles on a roadway and

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1 shoulder of a highway that is not a state trunk highway for any portion of the
2 highway that is within the jurisdiction of the municipality for the purpose of
3 traveling a distance of not more than 5 miles to go between a residence and the
4 all-terrain vehicle route or all-terrain vehicle trail that is closest to that residence.

5 2. Subject to pars. (cm) and (cr), a municipality may enact an ordinance
6 allowing the operation of all-terrain vehicles on a roadway and shoulder of a
7 highway that is not a state trunk highway for any portion of the highway that is
8 within the jurisdiction of the municipality for the purpose of traveling a distance of
9 not more than 5 miles to go between a lodging establishment and the all-terrain
10 vehicle route or all-terrain vehicle trail that is closest to that lodging establishment
11 if the municipality also enacts or has in effect an ordinance enacted under subd. 1.

12 (cm) ^(d) On highways in state parks and forests. A municipality may not enact an
13 ordinance under par. (b) or (c) that will allow ^{allows} the operation of all-terrain vehicles ^{or utility terrain vehicles} on
14 roadways or shoulders of highways that are located within a state park or state forest
15 if the operation of all-terrain vehicles ^{or utility terrain vehicles} is prohibited within the state park or state
16 forest.

17 (cr) ^(e) On interstates and freeways. A municipality may not enact an ordinance
18 under par. (b) or (c) that will allow ^{allows} the operation of all-terrain vehicles ^{or utility terrain vehicles} on a roadway
19 or shoulder of a freeway that is a part of the federal system of interstate and defense
20 highways or on a roadway or shoulder of any other freeway.

21 (ct) ^(f) Speed limits. An ordinance enacted under par. (b) or (c) shall limit the speed
22 of all-terrain vehicles ^{and utility terrain vehicles} being operated as authorized under this subsection to speed
23 limits not in excess of 25 miles per hour.

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(g)
(1) (cv) *Right side of roadway.* An ordinance enacted under par. (b) or (c) shall
(2) require that the operation of all-terrain vehicles *or utility terrain vehicles* as authorized under this subsection
(3) be as far on the right of the roadway or shoulder as is practicable.

(4) (d) *Model ordinances.* The department and the off-the-road vehicle council
(5) shall jointly prepare model ordinances as examples of ordinances that a municipality
(6) may enact under this subsection.

SECTION 13. 23.33 (11p) (e) 2. of the statutes is amended to read:

23.33 (11p) (e) 2. Subsections (3), (3g), (4) (a) to (f), (4c) to (4x), (6), (7), (10), (12),
and (13).

SECTION 14. 23.50 (1) of the statutes is amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit
court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814,
for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5),
283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2),
subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any
administrative rules promulgated thereunder, violations specified under s. 280.98
(2) or 285.86, violations of ch. 951 if the animal involved is a captive wild animal,
violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k),
violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances
enacted by any local authority in accordance with s. 23.33 (11) (am) or (11g) or 30.77.

SECTION 15. 23.50 (3) of the statutes is amended to read:

23.50 (3) All actions in municipal court to recover forfeitures, plus costs, fees,
and surcharges imposed under ch. 814, for violations of local ordinances enacted by
any local authority in accordance with s. 23.33 (11) (am) or (11g) or 30.77 shall utilize
the procedure in ch. 800. The actions shall be brought before the municipal court

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1 having jurisdiction. Provisions relating to citations, arrests, questioning, releases,
2 searches, deposits, and stipulations of no contest in ss. 23.51 (1m), (3), and (8), 23.53,
3 23.54, 23.56 to 23.64, 23.66, and 23.67 shall apply to violations of such ordinances.

4 **SECTION 16.** 23.53^x (1) of the statutes is amended to read:

5 23.53 (1) The citation created under this section shall, in all actions to recover
6 forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of
7 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
8 thereunder, and any rule of the Kickapoo reserve management board under s. 41.41
9 (7) (k) be used by any law enforcement officer with authority to enforce those laws,
10 except that the uniform traffic citation created under s. 345.11 may be used by a
11 traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law
12 enforcement agency of a municipality or county or a traffic officer employed under
13 s. 110.07 in enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall
14 not be used for violations of ch. 350 relating to highway use. The citation may be used
15 for violations of local ordinances enacted by any local authority in accordance with
16 s. 23.33 (11) (am) or (11g)[✓] or 30.77.

17 **SECTION 17.** 23.56^x (1) of the statutes is amended to read:

18 23.56 (1) A person may be arrested for a violation of those statutes enumerated
19 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
20 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances
21 enacted by any local authority in accordance with s. 23.33 (11) (am) or (11g)[✓] or 30.77,
22 after a warrant that substantially complies with s. 968.04 has been issued. Except
23 as provided in sub. (2), the person arrested shall be brought without unreasonable
24 delay before a court having jurisdiction to try the action.

25 **SECTION 18.** 23.57[✓] (1) (intro.) of the statutes is amended to read:

BILL**SECTION 18**

1 23.57 (1) (intro.) A person may be arrested without a warrant when the
2 arresting officer has probable cause to believe that the person is committing or has
3 committed a violation of those statutes enumerated in s. 23.50 (1), any
4 administrative rules promulgated thereunder, any rule of the Kickapoo reserve
5 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local
6 authority in accordance with s. 23.33 (11) (am) or (11g) or 30.77; and:

7 ^x
8 **SECTION 19.** 23.58 of the statutes is amended to read:

9 **23.58 Temporary questioning without arrest.** After having identified
10 himself or herself as an enforcing officer, an enforcing officer may stop a person in
11 a public place for a reasonable period of time when the officer reasonably suspects
12 that such person is committing, is about to commit or has committed a violation of
13 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
14 thereunder, any rule of the Kickapoo reserve management board under s. 41.41 (7)
15 (k), or any local ordinances enacted by any local authority in accordance with s. 23.33
16 (11) (am) or (11g) or 30.77. Such a stop may be made only where the enforcing officer
17 has proper authority to make an arrest for such a violation. The officer may demand
18 the name and address of the person and an explanation of the person's conduct. Such
19 detention and temporary questioning shall be conducted in the vicinity where the
20 person was stopped.

21 ^x
22 **SECTION 20.** 23.62 (1) (intro.) of the statutes is amended to read:

23 23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe
24 that a person subject to his or her authority is committing or has committed a
25 violation of those statutes enumerated in s. 23.50 (1), any administrative rules
26 promulgated thereunder, any rule of the Kickapoo reserve management board under
27 s. 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance

BILL

1 with s. 23.33 (11) (am) [✓]or (11g) or 30.77, the officer may proceed in the following
2 manner:

3 **SECTION 21.** 800.02 (2) (b) of the statutes is amended to read:

4 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
5 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
6 of the citation form specified in par. (ag). In actions for violations of local ordinances
7 enacted in accordance with s. 23.33 (11) (am) [✓]or (11g) or 30.77, the citation form
8 specified in s. 23.54 shall be used in lieu of the citation form specified in par. (ag).

9 (END)

Done

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0101/P1ins

EHS:.....

INSERT A

Under current law, a person may operate an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) on the roadway of a highway, street, or road only in certain limited circumstances. This bill specifically authorizes the operation of an ATV or UTV by an operator who is at least 16 years old on a portion of a roadway and shoulder of a highway, street, or road if the highway, street, or road is within the territorial boundaries of a county, city, village, or town (municipality) that has enacted an ordinance allowing the operation of an ATV or UTV on that roadway and shoulder for the purpose of traveling between an ATV trail or route and a residence or lodging establishment, including a campground. For UTVs, a city, village, or town must have authorized the operation of UTVs on the ATV route or trail for which UTV access is being allowed. A municipality may not enact an ordinance for access to and from a lodging establishment unless it has also enacted an ordinance for residential access ^{to and from residences} ^{for} ^{opening a highway} ^{ATV and UTV} ^{ATV and UTV}

Under the bill, for a state trunk highway (STH), the portion of the highway that may be open ^{to} UTV or ATV access must be the shortest distance between the residence or lodging establishment and the ATV route or trail. For distances on a STH that are more than one-quarter mile, the Department of Transportation (DOT) must approve the access. For distances on a STH that are one-quarter mile or less, a municipality may enact an ATV or UTV access ordinance unless the portion of the STH to be affected has been closed to ATVs or UTVs based on DOT's finding that it is unsafe to operate ATVs or UTVs on that portion of the STH. For any highway other than a STH, the distance open for ATV or UTV access may not be more than five miles.

The bill prohibits a municipality from enacting an ordinance that allows the operation of ATVs or UTVs for residential or lodging access on the roadway or shoulder of any freeway or interstate ^{highway} and on any highway that is located in a state park or state forest if ATV or UTV operation is prohibited in the park or forest. Under the bill, an access ordinance must impose a speed limit of 25 miles per hour and must require that the ATV be operated as far on the right as possible.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

INSERT 5-8

X

SECTION 1. 23.33 (5) (b) 2. of the statutes is amended to read:

23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle or utility terrain vehicle safety certificate while operating an all-terrain vehicle or utility terrain vehicle shall carry the certificate on the all-terrain vehicle or utility

terrain vehicle and shall display the certificate to a law enforcement officer on request. ~~Persons enrolled in a safety certification program approved by the department may operate an all-terrain vehicle or utility terrain vehicle in an area designated by the instructor.~~

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258.

SECTION 2. 23.33 (5) (d) of the statutes is amended to read:

23.33 (5) (d) *Safety certification program established.* The department shall establish or supervise the establishment of a program of instruction on all-terrain vehicle and utility terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law, regulations, safety and related subjects. The department shall establish by rule an instruction fee for this program. The department shall issue certificates to persons successfully completing the program. An instructor conducting the program of instruction under this paragraph shall collect the fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50%, that the instructor may retain to defray expenses incurred by the instructor in conducting the program. The instructor shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of accomplishment and who pays a fee of \$2.75. Persons enrolled in a safety certification program approved by the department may operate an all-terrain vehicle or utility terrain vehicle in an area designated by the instructor.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258.

✓
(b) *On state trunk highways.* ✓ 1. Subject to subds. 3. ✓ and 4. ✓ and pars. (d) ✓ and (e) ✓, a municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling the shortest distance that is necessary to go between a residence and any of the following:

a. With respect to all-terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the residence.

b. With respect to utility terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the residence and on which utility terrain vehicles have been authorized to operate under sub. (1m) (b) ✓.

2. If a municipality enacts or has in effect an ordinance enacted under subd. 1. ✓, and subject to subds. 3. ✓ and 4. ✓ and pars. (d) ✓ and (e) ✓, a municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling the shortest distance that is necessary to go between a lodging establishment and either of the following:

a. With respect to all-terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the lodging establishment.

b. With respect to utility terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the lodging establishment and on which utility terrain vehicles have been authorized to operate under sub. (1m) (b) ✓.

(c) *On other highways.* ✓ 1. Subject to pars. (d) ✓ and (e) ✓, a municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a highway that is not a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling a distance of not more than 5 miles to go between a residence and either of the following:

a. With respect to all-terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the residence.

b. With respect to utility terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the residence and on which utility terrain vehicles have been authorized to operate under sub. (1m) (b). ✓

2. If a municipality enacts or has in effect an ordinance enacted under subd. 1., ✓ and subject to pars. (d) ✓ and (e) ✓, the municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a highway that is not a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling a distance of not more than 5 miles to go between a lodging establishment and either of the following:

a. With respect to all-terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the lodging establishment.

b. With respect to utility terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the lodging establishment and on which utility terrain vehicles have been authorized to operate under sub. (1m) (b). ✓

(END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0101/P1dn

EHS:...)....

Sac

- date -

To Rep. Mursau:

As you'll see, I used the term "territorial boundaries" instead of "jurisdiction" in s. 23.33 (11g). ✓ This is because, on further reflection, I found this term to be more descriptive. If this does not reflect your intent, please let me know.

Elisabeth H. Shea
Legislative Attorney
Phone: (608) 266-5446
E-mail: elisabeth.shea@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0101/P1dn
EHS:sac:jm

November 1, 2012

To Rep. Mursau:

As you'll see, I used the term "territorial boundaries" instead of "jurisdiction" in s. 23.33 (11g). This is because, on further reflection, I found this term to be more descriptive. If this does not reflect your intent, please let me know.

Elisabeth H. Shea
Legislative Attorney
Phone: (608) 266-5446
E-mail: elisabeth.shea@legis.wisconsin.gov

Gibson-Glass, Mary

From: Gary, Tim
Sent: Thursday, July 25, 2013 1:47 PM
To: Gibson-Glass, Mary
Subject: RE: Draft review: LRB -0101/P1 Topic: All-terrain vehicle access to highways

The authority to enact a fueling station ordinance under any circumstance.

From: Gibson-Glass, Mary
Sent: Thursday, July 25, 2013 10:15 AM
To: Gary, Tim
Subject: RE: Draft review: LRB -0101/P1 Topic: All-terrain vehicle access to highways

Tim,

Currently the bill allows an ordinance authorizing access to lodging only if there is an ordinance that allows access to residences. How do you want to fit in fueling stations? The authority to enact a fueling station ordinance under any circumstance? Require there be an ordinance for residences? An ordinance for lodging? An ordinance for both?

Let me know,

Thanks,

Mary

From: Gary, Tim
Sent: Thursday, July 25, 2013 9:29 AM
To: Gibson-Glass, Mary
Subject: FW: Draft review: LRB -0101/P1 Topic: All-terrain vehicle access to highways
Importance: High

Rep. Mursau needs to add fueling stations to the list of places that visitors and residents may drive their ATVs to and from an ATV trail.

From: Rep.Mursau
Sent: Tuesday, July 23, 2013 4:37 PM
To: Shovers, Marc
Subject: FW: Draft review: LRB -0101/P1 Topic: All-terrain vehicle access to highways
Importance: High

From: Rep.Mursau
Sent: Tuesday, July 23, 2013 4:33 PM
To: Shea, Elisabeth; LRB.Legal
Subject: FW: Draft review: LRB -0101/P1 Topic: All-terrain vehicle access to highways
Importance: High

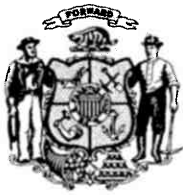
Elisabeth,

Can you please make this into a /1?

Tim Gary
Research Assistant to
Representative Jeff Mursau

From: LRB.Legal
Sent: Friday, November 02, 2012 2:10 PM
To: Rep.Mursau
Subject: Draft review: LRB -0101/P1 Topic: All-terrain vehicle access to highways

Following is the PDF version of draft LRB -0101/P1 and drafter's note.



State of Wisconsin
2013 - 2014 LEGISLATURE



RMR

LRB-0101/PT 1

MGG&EHS:sac:jm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

fu

gen cat

1 **AN ACT to renumber and amend 23.33 (5) (a); to amend 23.33 (4) (b), 23.33 (5)**
2 **(b) 2., 23.33 (5) (d), 23.33 (11) (am) 1., 23.33 (11) (b), 23.50 (1), 23.50 (3), 23.53**
3 **(1), 23.56 (1), 23.57 (1) (intro.), 23.58, 23.62 (1) (intro.) and 800.02 (2) (b); and**
4 **to create 23.33 (1) (ii), 23.33 (4) (g) and 23.33 (11g) of the statutes; relating to:**
5 **the operation of all-terrain vehicles and utility terrain vehicles on highways for**
6 **the purpose of certain types of access and granting rule-making authority.**

Analysis by the Legislative Reference Bureau

Under current law, a person may operate an all-terrain vehicle (ATV) or utility terrain vehicle (UTV) on the roadway of a highway, street, or road only in certain limited circumstances. This bill specifically authorizes the operation of an ATV or UTV by an operator who is at least 16 years old on a portion of a roadway and shoulder of a highway, street, or road if the highway, street, or road is within the territorial boundaries of a county, city, village, or town (municipality) that has enacted an ordinance allowing the operation of an ATV or UTV on that roadway and shoulder for the purpose of traveling between an ATV trail or route and a residence, or lodging establishment, including a campground. For UTVs, a city, village, or town must have authorized the operation of UTVs on the ATV route or trail for which UTV access is being allowed. A municipality may not enact an ordinance opening a highway for ATV and UTV access to and from a lodging establishment unless it has also enacted an ordinance opening a highway for ATV and UTV access to and from residences.

filling stations
a

a

*
*

Under the bill, for a state trunk highway (STH), the portion of the highway that may be open for UTV or ATV access must be the shortest distance between the residence ^{or filling station} of lodging establishment and the ATV route or trail. For distances on a STH that are more than one-quarter mile, the Department of Transportation (DOT) must approve the access. For distances on a STH that are one-quarter mile or less, a municipality may enact an ATV or UTV access ordinance unless the portion of the STH to be affected has been closed to ATVs or UTVs based on DOT's finding that it is unsafe to operate ATVs or UTVs on that portion of the STH. For any highway other than a STH, the distance open for ATV or UTV access may not be more than five miles.

The bill prohibits a municipality from enacting an ordinance that allows the operation of ATVs or UTVs for residential ^{or fueling} lodging access on the roadway or shoulder of any freeway or interstate highway and on any highway that is located in a state park or state forest if ATV or UTV operation is prohibited in the park or forest. Under the bill, an access ordinance must impose a speed limit of 25 miles per hour and must require that the ATV be operated as far on the right as possible.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

^x
SECTION 1. 23.33 (1) (ii) of the statutes is created to read:

23.33 (1) (ii) "Lodging establishment" means any of the following:

1. A bed and breakfast establishment, as defined in s. 254.61 (1).[✓]

2. A hotel, as defined in s. 254.61 (3).[✓]

3. A tourist rooming house, as defined in s. 254.61 (6).[✓]

4. A campground.

^x
SECTION 2. 23.33 (4) (b) of the statutes is amended to read:

23.33 (4) (b) *Other highways; operation restricted.* No person may operate an all-terrain vehicle or utility terrain vehicle on a highway except as authorized under pars. (d), (e), ~~and (f), and (g)~~ and ~~sub. subs.~~ (11) (am) 2. and (11g) or as authorized by rules promulgated by the department and approved by the department of transportation.

← INSERT 2-1

1 **SECTION 3.** 23.33 (4) (g) of the statutes is created to read:

2 23.33 (4) (g) *Operation for purpose of access.* A person may operate an
3 all-terrain vehicle or utility terrain vehicle on a portion of the roadway or shoulder
4 of a highway for the purpose of residential access or for the purpose of access to and
5 from a lodging establishment *or fueling station* if the operation is in compliance with an ordinance
6 enacted under sub. (11g).

7 **SECTION 4.** 23.33 (5) (a) of the statutes is renumbered 23.33 (5) (a) 1. and
8 amended to read:

9 23.33 (5) (a) 1. No person under 12 years of age may operate an all-terrain
10 vehicle unless he or she is operating the all-terrain vehicle for an agricultural
11 purpose and he or she is under the supervision of a person over 18 years of age or
12 unless he or she is operating a small all-terrain vehicle on an all-terrain vehicle trail
13 designated by the department and he or she is accompanied by his or her parent. No
14 person who is under 12 years of age may operate an all-terrain vehicle ~~which that~~
15 is an implement of husbandry on a roadway under any circumstances. No person
16 who is under 12 years of age may operate an all-terrain vehicle on a roadway under
17 the authorization provided under sub. (4) (d) 6. under any circumstances. ~~No person~~
18 ~~who is under 16 years of age may operate an all-terrain vehicle under the~~
19 ~~authorization provided under sub. (4) (f) under any circumstances.~~ No person who
20 is under 12 years of age may rent or lease an all-terrain vehicle. For purposes of this
21 paragraph, supervision does not require that the person under 12 years of age be
22 subject to continuous direction or control by the person over 18 years of age.

23 **SECTION 5.** 23.33 (5) (a) 2. of the statutes is created to read:

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5 10

23.33 (5) (a) 2. No person who is under 16 years of age may operate an all-terrain vehicle on a roadway or a shoulder of a highway as authorized under sub. (4) (f) or (g) under any circumstances.

← INSERT 4-3

SECTION 6. 23.33 (5) (b) 2. of the statutes is amended to read:

23.33 (5) (b) 2. Any person who is required to hold an all-terrain vehicle or utility terrain vehicle safety certificate while operating an all-terrain vehicle or utility terrain vehicle shall carry the certificate on the all-terrain vehicle or utility terrain vehicle and shall display the certificate to a law enforcement officer on request. ~~Persons enrolled in a safety certification program approved by the department may operate an all-terrain vehicle or utility terrain vehicle in an area designated by the instructor.~~

SECTION 7. 23.33 (5) (d) of the statutes is amended to read:

23.33 (5) (d) *Safety certification program established.* The department shall establish or supervise the establishment of a program of instruction on all-terrain vehicle and utility terrain vehicle laws, including the intoxicated operation of an all-terrain vehicle or utility terrain vehicle law, regulations, safety and related subjects. The department shall establish by rule an instruction fee for this program. The department shall issue certificates to persons successfully completing the program. An instructor conducting the program of instruction under this paragraph shall collect the fee from each person who receives instruction. The department may determine the portion of this fee, which may not exceed 50%, that the instructor may retain to defray expenses incurred by the instructor in conducting the program. The instructor shall remit the remainder of the fee or, if nothing is retained, the entire fee to the department. The department shall issue a duplicate certificate of accomplishment to a person who is entitled to a duplicate certificate of

1 accomplishment and who pays a fee of \$2.75. Persons enrolled in a safety
2 certification program approved by the department may operate an all-terrain
3 vehicle or utility terrain vehicle in an area designated by the instructor.

4 SECTION 8. 23.33 (11) (am) 1. of the statutes is amended to read:

5 23.33 (11) (am) 1. Any county, town, city or village may enact an ordinance
6 which that is in strict conformity with this section and rules promulgated by the
7 department under this section, if the ordinance encompasses all aspects
8 encompassed by this section, except as provided in subd. 2. and sub. (11g).

9 SECTION 9. 23.33 (11) (b) of the statutes is amended to read:

10 23.33 (11) (b) If a county, town, city, or village adopts an ordinance regulating
11 all-terrain vehicles, utility terrain vehicles, or both, its clerk shall immediately send
12 a copy of the ordinance to the department, to the state traffic patrol, and to the office
13 of any law enforcement agency of the ~~municipality or county, town, city, or village~~
14 having jurisdiction over any ~~highway designated as an all-terrain vehicle route of~~
15 the highways to which the ordinance is applicable.

16 SECTION 10. 23.33 (11g) of the statutes is created to read:

(c3) AND FUELING

(17) 23.33 (11g) ORDINANCES FOR ACCESS TO RESIDENCES, ~~AND~~ LODGING. (a) Definition.

18 In this subsection, "municipality" means a county, town, city, or village.

(19) (b) *On state trunk highways.* 1. Subject to subds. ~~3.~~ ^{4.} and ~~4.~~ ^{5.} and pars. (d) and

20 (e), a municipality may enact an ordinance allowing the operation of all-terrain
21 vehicles or utility terrain vehicles on a roadway and shoulder of a state trunk
22 highway for any portion of the highway that is within the territorial boundaries of
23 the municipality for the purpose of traveling the shortest distance that is necessary
24 to go between a residence and any of the following:

1 a. With respect to all-terrain vehicles, the all-terrain vehicle route or
2 all-terrain vehicle trail that is closest to the residence.

3 b. With respect to utility terrain vehicles, the all-terrain vehicle route or
4 all-terrain vehicle trail that is closest to the residence ^{or fueling station} and on which utility terrain
5 vehicles have been authorized to operate under sub. (1m) (b).

6 ^{that allows travel to and from residences}
2. If a municipality enacts or has in effect an ordinance enacted under subd.

7 1. ⁴ and subject to subds. ⁵ ~~3~~ and ~~4~~ and pars. (d) and (e), a municipality may enact an
8 ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on
9 a roadway and shoulder of a state trunk highway for any portion of the highway that
10 is within the territorial boundaries of the municipality for the purpose of traveling
11 the shortest distance that is necessary to go between a lodging establishment and
12 either of the following:

13 a. With respect to all-terrain vehicles, the all-terrain vehicle route or
14 all-terrain vehicle trail that is closest to the lodging establishment.

15 b. With respect to utility terrain vehicles, the all-terrain vehicle route or
16 all-terrain vehicle trail that is closest to the lodging establishment and on which
17 utility terrain vehicles have been authorized to operate under sub. (1m) (b).

18 4. ~~3~~. A county or town may not enact an ordinance under subd. 1, ^{or 2,} ^{or 3,} ^{that will}
19 allow the operation of all-terrain vehicles or utility terrain vehicles on a roadway
20 and shoulder of a portion of a state trunk highway that is more than one-quarter
21 mile in length unless the county or town has first received specific authorization from
22 the department of transportation to allow the operation of all-terrain vehicles or
23 utility terrain vehicles on the roadway and shoulder of that portion of the state trunk
24 highway.

INSERT
6-18

①

5. ~~A~~ A county or town may enact an ordinance under subd. 1. ^{or 2.} ^{or 3.} that will allow the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a portion of a state trunk highway that is one-quarter mile in length or less if the operation of all-terrain vehicles or utility terrain vehicles on the roadway and shoulder has not been prohibited by rule by the department of transportation based on a finding by the department of transportation that such operation is unsafe.

(c) *On other highways.* 1. Subject to pars. (d) and (e), a municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a highway that is not a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling a distance of not more than 5 miles to go between a residence and either of the following:

a. With respect to all-terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the residence.

b. With respect to utility terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the residence and on which utility terrain vehicles have been authorized to operate under sub. (1m) (b).

2. If a municipality enacts or has in effect an ordinance enacted under subd. 1., and subject to pars. (d) and (e), the municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a highway that is not a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling a distance of not more than 5 miles to go between a lodging establishment and either of the following:

1 a. With respect to all-terrain vehicles, the all-terrain vehicle route or
2 all-terrain vehicle trail that is closest to the lodging establishment.

3 b. With respect to utility terrain vehicles, the all-terrain vehicle route or
4 all-terrain vehicle trail that is closest to the lodging establishment and on which
5 utility terrain vehicles have been authorized to operate under sub. (1m) (b).

6 (d) *On highways in state parks and forests.* A municipality may not enact an
7 ordinance under par. (b) or (c) that allows the operation of all-terrain vehicles or
8 utility terrain vehicles on roadways or shoulders of highways that are located within
9 a state park or state forest if the operation of all-terrain vehicles or utility terrain
10 vehicles is prohibited within the state park or state forest.

11 (e) *On interstates and freeways.* A municipality may not enact an ordinance
12 under par. (b) or (c) that allows the operation of all-terrain vehicles or utility terrain
13 vehicles on a roadway or shoulder of a freeway that is a part of the federal system
14 of interstate and defense highways or on a roadway or shoulder of any other freeway.

15 (f) *Speed limits.* An ordinance enacted under par. (b) or (c) shall limit the speed
16 of all-terrain vehicles and utility terrain vehicles being operated as authorized
17 under this subsection to speed limits not in excess of 25 miles per hour.

18 (g) *Right side of roadway.* An ordinance enacted under par. (b) or (c) shall
19 require that the operation of all-terrain vehicles or utility terrain vehicles as
20 authorized under this subsection be as far on the right of the roadway or shoulder
21 as is practicable.

22 (h) *Model ordinances.* The department shall prepare model ordinances as
23 examples of ordinances that a municipality may enact under this subsection.

24 SECTION 11. 23.50 (1) of the statutes is amended to read:

23.50 (1) The procedure in ss. 23.50 to 23.85 applies to all actions in circuit court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of ss. 77.09, 90.21, 134.60, 167.10 (3), 167.31 (2), 281.48 (2) to (5), 283.33, 285.57 (2), 285.59 (2), (3) (c) and (4), 287.07, 287.08, 287.81 and 299.64 (2), subch. VI of ch. 77, this chapter, and chs. 26 to 31, ch. 169, and ch. 350, and any administrative rules promulgated thereunder, violations specified under s. 280.98 (2) or 285.86, violations of ch. 951 if the animal involved is a captive wild animal, violations of rules of the Kickapoo reserve management board under s. 41.41 (7) (k), violations to which s. 299.85 (7) (a) 2. or 4. applies, or violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or (11g) or 30.77.

SECTION 12. 23.50 (3) of the statutes is amended to read:

23.50 (3) All actions in municipal court to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of local ordinances enacted by any local authority in accordance with s. 23.33 (11) (am) or (11g) or 30.77 shall utilize the procedure in ch. 800. The actions shall be brought before the municipal court having jurisdiction. Provisions relating to citations, arrests, questioning, releases, searches, deposits, and stipulations of no contest in ss. 23.51 (1m), (3), and (8), 23.53, 23.54, 23.56 to 23.64, 23.66, and 23.67 shall apply to violations of such ordinances.

SECTION 13. 23.53 (1) of the statutes is amended to read:

23.53 (1) The citation created under this section shall, in all actions to recover forfeitures, plus costs, fees, and surcharges imposed under ch. 814, for violations of those statutes enumerated in s. 23.50 (1), any administrative rules promulgated thereunder, and any rule of the Kickapoo reserve management board under s. 41.41 (7) (k) be used by any law enforcement officer with authority to enforce those laws, except that the uniform traffic citation created under s. 345.11 may be used by a

1 traffic officer employed under s. 110.07 in enforcing s. 167.31 or by an officer of a law
2 enforcement agency of a municipality or county or a traffic officer employed under
3 s. 110.07 in enforcing s. 287.81. In accordance with s. 345.11 (1m), the citation shall
4 not be used for violations of ch. 350 relating to highway use. The citation may be used
5 for violations of local ordinances enacted by any local authority in accordance with
6 s. 23.33 (11) (am) or (11g) or 30.77.

7 **SECTION 14.** 23.56 (1) of the statutes is amended to read:

8 23.56 (1) A person may be arrested for a violation of those statutes enumerated
9 in s. 23.50 (1), any administrative rules promulgated thereunder, any rule of the
10 Kickapoo reserve management board under s. 41.41 (7) (k), or any local ordinances
11 enacted by any local authority in accordance with s. 23.33 (11) (am) or (11g) or 30.77,
12 after a warrant that substantially complies with s. 968.04 has been issued. Except
13 as provided in sub. (2), the person arrested shall be brought without unreasonable
14 delay before a court having jurisdiction to try the action.

15 **SECTION 15.** 23.57 (1) (intro.) of the statutes is amended to read:

16 23.57 (1) (intro.) A person may be arrested without a warrant when the
17 arresting officer has probable cause to believe that the person is committing or has
18 committed a violation of those statutes enumerated in s. 23.50 (1), any
19 administrative rules promulgated thereunder, any rule of the Kickapoo reserve
20 management board under s. 41.41 (7) (k), or any local ordinances enacted by any local
21 authority in accordance with s. 23.33 (11) (am) or (11g) or 30.77; and:

22 **SECTION 16.** 23.58 of the statutes is amended to read:

23 **23.58 Temporary questioning without arrest.** After having identified
24 himself or herself as an enforcing officer, an enforcing officer may stop a person in
25 a public place for a reasonable period of time when the officer reasonably suspects

1 that such person is committing, is about to commit or has committed a violation of
2 those statutes enumerated in s. 23.50 (1), any administrative rules promulgated
3 thereunder, any rule of the Kickapoo reserve management board under s. 41.41 (7)
4 (k), or any local ordinances enacted by any local authority in accordance with s. 23.33
5 (11) (am) or (11g) or 30.77. Such a stop may be made only where the enforcing officer
6 has proper authority to make an arrest for such a violation. The officer may demand
7 the name and address of the person and an explanation of the person's conduct. Such
8 detention and temporary questioning shall be conducted in the vicinity where the
9 person was stopped.

10 **SECTION 17.** 23.62[✓] (1) (intro.) of the statutes is amended to read:

11 23.62 (1) (intro.) Whenever an enforcing officer has probable cause to believe
12 that a person subject to his or her authority is committing or has committed a
13 violation of those statutes enumerated in s. 23.50 (1), any administrative rules
14 promulgated thereunder, any rule of the Kickapoo reserve management board under
15 s. 41.41 (7) (k), or any local ordinances enacted by any local authority in accordance
16 with s. 23.33 (11) (am) or (11g) or 30.77, the officer may proceed in the following
17 manner:

18 **SECTION 18.** 800.02[✓] (2) (b) of the statutes is amended to read:

19 800.02 (2) (b) Except for parking violations, in traffic regulation actions in
20 municipal court, the uniform traffic citation specified in s. 345.11 shall be used in lieu
21 of the citation form specified in par. (ag). In actions for violations of local ordinances
22 enacted in accordance with s. 23.33 (11) (am) or (11g) or 30.77, the citation form
23 specified in s. 23.54 shall be used in lieu of the citation form specified in par. (ag).

24 (END)

**2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0101/lins
MGG:.....

Insert 2-1

SECTION 1. 23.33 (1) (fg) of the statutes is created to read:

23.33 (1) (fg) "Fueling station" means a means a place where fuel that is used in all-terrain vehicles is sold at retail.

Insert 4-3

SECTION 2. 23.33 (5) (a) 5. of the statutes, as affected by 2013 Wisconsin Act 15, is amended to read:

23.33 (5) (a) 5. No person who is under 16 years of age may operate an all-terrain vehicle under the authorization provided under sub. (4) (f) or (g) under any circumstances.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51, 208, 258; 2013 a. 15; s. 13.92 (1) (bm) 2.

Insert 6-18

3. Subject to subds. 3. and 4. and pars. (d) and (e), a municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling the shortest distance that is necessary to go between a fueling station and any of the following:

a. With respect to all-terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the fueling station.

b. With respect to utility terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the fueling station and on which utility terrain vehicles have been authorized to operate under sub. (1m) (b).

Insert 8-6

3. Subject to pars. (d) and (e), a municipality may enact an ordinance allowing the operation of all-terrain vehicles or utility terrain vehicles on a roadway and shoulder of a highway that is not a state trunk highway for any portion of the highway that is within the territorial boundaries of the municipality for the purpose of traveling a distance of not more than 5 miles to go between a fueling station and either of the following:

a. With respect to all-terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the fueling station.

b. With respect to utility terrain vehicles, the all-terrain vehicle route or all-terrain vehicle trail that is closest to the fueling station and on which utility terrain vehicles have been authorized to operate under sub. (1m) (b).

Barman, Mike

From: Rep.Mursau
Sent: Monday, November 18, 2013 9:33 AM
To: LRB.Legal
Subject: Draft Review: LRB -0101/1 Topic: All-terrain vehicle access to highways

Please Jacket LRB -0101/1 for the ASSEMBLY.